

ORIGINAL



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1 **COMMISSIONERS**
2 KRISTIN K. MAYES, CHAIRMAN
3 GARY PIERCE
4 PAUL NEWMAN
5 SANDRA D. KENNEDY
6 BOB STUMP

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2009 OCT 27 P 4: 05

AZ CORP COMMISSION
DOCKET CONTROL

7 **BEFORE THE ARIZONA CORPORATION COMMISSION**

8 IN THE MATTER OF THE APPLICATION
9 OF THE TOWN OF GILBERT TO
10 UPGRADE A CROSSING OF THE UNION
11 PACIFIC RAILROAD AT
12 WILLIAMSFIELD ROAD IN THE TOWN
13 OF GILBERT, MARICOPA COUNTY,
14 ARIZONA, AAR/DOT NO. 753-711-Y.

DOCKET NO. RR-03639A-09-0430

15 **NOTICE OF FILING AFFIDAVIT OF
16 PUBLICATION**

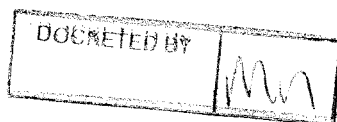
17 The Town of Gilbert ("Gilbert"), by and through undersigned counsel, hereby
18 files its Notice of Affidavit of Publication as required by Procedural Order dated September
19 16, 2009. A copy of the Affidavit is attached hereto. Gilbert also confirms that it has
20 provided a copy of the Application and the September 16, 2009 Procedural Order to
21 surrounding adjacent property owners via certified mail.

22 DATED this 27th day of October, 2009.

23 CURTIS, GOODWIN, SULLIVAN,
24 UDALL & SCHWAB, P.L.C.

25 Arizona Corporation Commission
DOCKETED

OCT 27 2009



By: 

William P. Sullivan

Kelly Y. Schwab

501 East Thomas Road

Phoenix, Arizona 85012-3205

Attorneys for the Town of Gilbert

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Docket Control
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

Janice Alward, Chief Counsel
Legal Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

Brian Lehman, Chief
Railroad Safety Section of the Safety Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

Aziz Amam, Manger of Special Projects
Union Pacific Railroad Company
2073 East Jade Drive
Chandler, Arizona 85286

Anthony J. Hancock
Terrance L. Sims
Beaugureau, Zukowski & Hancock, PC
302 East Coronado
Phoenix, Arizona 85004
Attorneys for Union Pacific Railroad Company

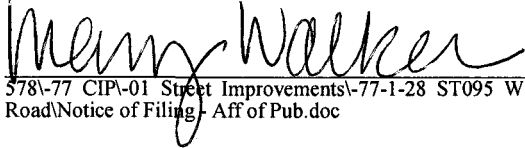
Robert Travis, P.E.
State Railroad Liaison
Arizona Department of Transportation
205 South 17th Avenue, Room 357
MD 681E
Phoenix, Arizona 85007

1 Rick Allred
2 Town of Gilbert
3 90 East Civic Center Drive
4 Gilbert, Arizona 85296

5 Robert Lyons, P.E.
6 Aztec Engineering
7 4561 East McDowell Road
8 Phoenix, Arizona 85008

9 Kelly Roy, Utility Project Coordinator
10 Maricopa County Department of Transportation
11 2901 West Durango Street
12 Phoenix, Arizona 85009

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578\77 CIP\01 Street Improvements\77-1-28 ST095 Williams Field Rd-UPRR to Power\ACC Proceeding\RR-03639A-09-0430 - Williamsfield
Road\Notice of Filing- Aff of Pub.doc

IN THE MATTER OF THE
APPLICATION OF THE TOWN
OF GILBERT TO UPGRADE A
CROSSING OF THE UNION
PACIFIC RAILROAD AT
WILLIAMS FIELD ROAD IN
THE TOWN OF GILBERT,
MARICOPA COUNTY, ARIZONA
AAR/DOT NO. 753-711-Y
(DOCKET NO. RR-43639A-
09-0430)

On September 4, 2009, the
Town of Gilbert ("Town")
filed with the Arizona Cor-
poration Commission
("Commission") an applica-
tion for approval for the Un-
ion Pacific Railroad ("Rail-
road") to upgrade an exist-
ing crossing at Williams
Field Road in the Town of
Gilbert, Maricopa County,
Arizona at AAR/DOT No.
753-711-Y.

The application is available
for inspection during regu-
lar business hours at the of-
fices of the Commission in
Phoenix, at 1200 West
Washington Street, Phoenix,
Arizona, and on the internet
via the Commission website
(www.azcc.gov) using the
e-docket function.

The Commission will hold
a hearing on this matter
commencing on December
14, 2009, at 10:00 a.m., at the
Commission's offices, 1200
West Washington Street,
Phoenix, Arizona. Public
comments will be taken on
the first day of the hearing.

The law provides for an
open public hearing at
which, under appropriate
circumstances, interested
parties may intervene. In-
tervention shall be permit-
ted to any person entitled
by law to intervene and hav-
ing a direct and substantial
interest in the matter. Per-
sons desiring to intervene
must file a written motion
to intervene with the Com-
mission, which motion
should be sent to Applicant
or its counsel and to all par-
ties of record, and which, at
the minimum, shall contain
the following:

1. The name, address, and
telephone number of the
proposed intervenor and of
any party upon whom ser-
vice of documents is to be
made if different than the
intervenor.

2. A short statement of the
proposed intervenor's inter-
est in the proceeding (e.g., a
customer of Railroad, a
neighboring property owner,
a crossing user, etc.).

3. A statement certifying
that a copy of the motion to
intervene has been mailed
to the Applicant or its coun-
sel and to all parties of re-
cord in the case.

The granting of motions to
intervene shall be governed
by A.A.C. R14-3-105, except
that all motions to intervene
must be filed on or before
November 13, 2009. The
granting of intervention,
among other things, entitles
a party to present sworn
evidence at hearing and to
cross-examine other wit-
nesses. However, failure to
intervene will not preclude
any customer from appear-
ing at the hearing and mak-
ing a statement on such
customer's own behalf.

If you have any questions
about this application, you
may contact the applicant
Paul Moid at 480-503-6790.
If you wish to file written
comments on the applica-
tion or want further infor-
mation on intervention, you
may write the Consumer
Services Section of the
Commission at 1200 West
Washington Street, Phoenix,
Arizona 85007, call 602-542-
4251 or 1-800-222-7000, or
appear at the hearing and
make comment.

The Commission does not
discriminate on the basis of
disability in admission to its
public meetings. Persons
with a disability may re-
quest a reasonable accom-
modation such as a sign
language interpreter, as
well as request this docu-
ment in an alternative for-
mat, by contacting Shaylin
Bernal, ADA Coordinator,
voice phone number 602-
542-3931, e-mail
SABernal@azcc.gov. Re-
quests should be made as
early as possible to allow

AFFIDAVIT OF PUBLICATION

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OCT 8 2009

FILE COPY

Project No. STOPS Williams Field Rd
File No. Crossing Upgrade

THE ARIZONA REPUBLIC

STATE OF ARIZONA
COUNTY OF MARICOPA } SS.

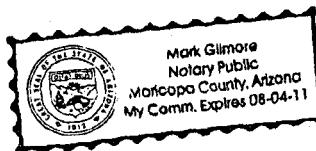
Marilyn Greenwood, being first duly sworn, upon oath
deposes and says: That she is a legal advertising
representative of the Arizona Business Gazette, a newspaper
of general circulation in the county of Maricopa, State of
Arizona, published at Phoenix, Arizona, by Phoenix
Newspapers Inc., which also publishes The Arizona
Republic, and that the copy hereto attached is a true copy of
the advertisement published in the said paper on the dates as
indicated.

The Arizona Republic

September 23, 2009

Marilyn Greenwood

Sworn to before me this
25TH day of
September A.D. 2009



Mark Gilmore

Notary Public